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**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION**

TANYA GERSH,

Plaintiff,

v.

ANDREW ANGLIN, publisher of
the *Daily Stormer*,

Defendant.

Case No.
9:17-cv-00050-DLC-KLD

**PLAINTIFF’S MOTION FOR
EXPEDITED STATUS CONFERENCE**

Pursuant to Rule 16.1(c) of the Local Rules of the United States District Court for the District of Montana, Plaintiff Tanya Gersh, by and through her undersigned counsel, respectfully moves for an expedited status conference in the above-captioned matter to be held before this Court. The undersigned represents that a status conference is necessary for the following reasons:

1. In April 2017, Ms. Gersh filed an action against Defendant Andrew Anglin based on an extraordinary campaign of anti-Semitic harassment and intimidation that Anglin and his avowedly neo-Nazi website, the *Daily Stormer*, carried out against her and her family. (ECF No. 1.)

2. On August 8, 2019, this Court ordered Anglin to pay “compensatory damages in the amount of \$4,042,438 and for punitive damages in the amount of \$10,000,000” (the “Judgment”). (ECF Nos. 211, 214.) The Court found Anglin liable for “invasion of privacy, intentional infliction of emotional distress, violations of Montana’s Anti-Intimidation Act, and punitive damages” for Anglin’s “online anti-Semitic harassment and intimidation campaign against [the Plaintiff] and her family.” (ECF Nos. 211 at 1, 214 at 3.)

3. Over two years have elapsed since the entry of the Judgment against Anglin. To date, Anglin has failed to pay any part of the Judgment

awarded to Ms. Gersh of \$14,042,438, and has not demonstrated any intent to do so in the future.

4. Two other similar judgments remain pending against Anglin in other courts in actions brought by other victims of harassment and intimidation by Anglin and his Daily Stormer website. (*Dumpson v. Ade*, 1:18-cv-01011, ECF No. 43 (D. D.C. Aug. 9, 2019); *Obeidallah v. Anglin*, No. 2:17-cv-00720-EAS-EPD, ECF No. 81 (S.D. Ohio July 29, 2019).)

5. In an effort to aid enforcement of the Judgment, Ms. Gersh sought discovery of Anglin's assets on September 3, 2020 and September 4, 2020 through Plaintiff's Second Set of Interrogatories and Requests for Documents. (ECF No. 229, Exs. A, B.) Ms. Gersh moved to compel Anglin to respond to those requests after he failed to do so.

6. This Court granted Ms. Gersh's motion to compel on February 9, 2021. (ECF No. 232.) The Court ordered Anglin to respond to Ms. Gersh's post-judgment interrogatories seeking information about Anglin's whereabouts and contact information, the operation of the Daily Stormer website, and Anglin's assets, limited to the time period from November 1, 2016 to the date of the Court's Order. (*Id.* at 9– 12.) The Court also ordered Anglin to produce documents responsive to Ms. Gersh's post-judgment document requests, which sought documents showing Anglin's income, expenses, assets, debts, and any

communications Anglin had about those matters from Anglin's bank accounts, securities, cryptocurrency holdings, domain name holdings, intellectual property assets, and other ownership interests held by Anglin from the period November 1, 2016 to the present date. (*Id.* at 12–13.) The deadline for complying with these directives was April 1, 2021. (*Id.* at 14–15.)

7. The Court further ordered that Anglin would have until April 1, 2021, to be heard and show cause why he should not be required to pay the reasonable expenses, including attorneys' fees, Ms. Gersh incurred in making her motion to compel, and that, by that same date, Ms. Gersh should file an affidavit of counsel that sets forth the reasonable expenses, including attorneys' fees, that were incurred in the presentation of her motion to compel. (*Id.* at 15.)

8. The February 9 Order further ordered that Ms. Gersh serve copies of the February 9 Order on Anglin at his known addresses via Federal Express. (*Id.*) Ms. Gersh filed a Notice of Compliance with the February 9 Order's service requirements on February 12, 2021. (ECF No. 233.) Three packages addressed to Anglin were delivered and were not returned. On February 19, 2021, Ms. Gersh filed an affidavit setting forth the \$8,232 in attorneys' fees incurred in connection with the motion to compel. (ECF No. 234.)

9. The April 1, 2021 deadline for Anglin to comply with the February 9 Order came and went. Anglin failed to comply or to respond in any

way to February 9 Order. He also failed to show cause why he should not be required to pay the attorneys' fees awarded to Ms. Gersh in connection with the motion to compel or to object to the \$8,232 in attorneys' fees set forth in the fee affidavit submitted by Ms. Gersh's counsel. (ECF No. 234.)

10. In addition, Anglin has still not paid a penny to Ms. Gersh on the underlying Judgment. In fact, even as Anglin avoids complying with court orders and paying the judgments against him, he continues to publish on—and profit from—the Daily Stormer, authoring vitriolic anti-Semitic posts and openly soliciting cryptocurrency donations from his followers (even admitting his website has “long been banned from operating within the normal financial system”). (ECF No. 236, Ex. 5.) Anglin has boasted on the Daily Stormer that, because of the increase in the value of Bitcoin that has been donated to him, “the funds we have doubled, [and] money isn’t even entering my mind.” (*Id.*)

11. On April 21, 2021, Ms. Gersh filed a Motion to Hold Defendant Andrew Anglin in Contempt of This Court's February 9, 2021 Order and to Enforce Discovery Pursuant to that Order, which Ms. Gersh filed on April 21, 2021. (ECF No. 235.) This Court has not yet issued a ruling on that motion.

12. A ruling holding Anglin in contempt would significantly aid Ms. Gersh's ability to enforce the Judgment entered against Anglin in this matter.

13. Continued delay in Ms. Gersh's ability to execute on the Judgment in this case creates substantial risk that Anglin will destroy, manipulate, or relocate his assets to frustrate Ms. Gersh's efforts to collect on the Judgment. Throughout this litigation, Anglin has exhibited a pattern of evasiveness and defiance of this Court's authority that is likely to continue, or even worsen.

WHEREFORE, Plaintiff, by and through her undersigned counsel, move that the Court schedule a telephonic status conference in the above-captioned matter at the Court's earliest convenience.

Dated: October 25, 2021

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

By: /s/ Daniel J. Kramer
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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing brief complies with Local Rule 7.1(d)(2). It contains 1,010 words, excluding the caption, certificate of compliance, tables of contents and authorities.

/s/Daniel J. Kramer
Attorney for Plaintiff Tanya Gersh
on behalf of all Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document was served by email using the CM/ECF System on October 25, 2021 to all counsel of record.

I HEREBY FURTHER CERTIFY that on October 25, 2021, I caused a copy of the above and foregoing document to be served via Federal Express upon the following party:

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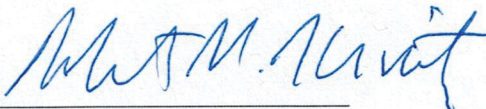
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Dated: October 25, 2021

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